

Amend Section 40-181.1 to read:

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY 40-181

.1 (Continued)

(c) ~~AFDC-FC and Kin-GAP cases~~ Extended CalWORKs for Non-Minor Dependents

- (1) ~~For AFDC-FC cases, eligibility shall be established by use of the SAWS 2 at the time of application if the parent or legal guardian is available and cooperating. If the parent or legal guardian is unavailable or not cooperating, eligibility shall be established by use of the SAWS 2 or FC 2. AFDC-FC eligibility shall be reestablished by use of the SAWS 2 or FC 2 at six month intervals.~~
- (2) ~~For children receiving Kin-GAP, eligibility shall be established by use of the KG 2 at the time of application. Kin-GAP eligibility shall be reestablished by use of the KG 2 at one year intervals.~~

For non-minor dependents, eligibility shall be established at the time of application with the county welfare department by use of the Six-Month Certification of Extended Foster Care Participation form (SOC 161, rev. 9/11) and the Mutual Agreement for Extended Foster Care form (SOC 162, rev. 10/11), incorporated in their entirety herein by reference. Eligibility shall be reestablished by use of the SOC 161 certifying eligibility at six-month intervals.

(d) (Continued)

Authority cited: Sections 10553, 10554, 10604, 11203, 11265.1, 11369, and 18904, Welfare and Institutions Code.

Reference: 42 U.S.C. 616(b) and (f); 45 CFR 233.28 and 233.29(c); and 45 CFR 235.112(b); 7 CFR 273.16(b); Sections 10063, 10553, 10554, 10604, 11008, 11203, 11253(b), 11253.5, 11254, 11265, 11265.1, 11265.2, 11265.3, 11265.8, 11280, 11403, 11450.12, 11451.5, 11486, and 11495.1, Welfare and Institutions Code; and Section 301(a)(1)(A) and (B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193); California's Temporary Assistance for Needy Families State Plan dated October 9, 1996 and effective November 26, 1996; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

Amend Section 40-188.1 to read:

40-188 TRANSFER PROCEDURE

40-188

.1 (Continued)

.13 (Continued)

.135 Foster Care SAWS 1; FC 2/JA 2/KG2; SOC 158A; SOC 161; SOC 162; Birth Certificate/Alien Status; Social Security Number, FC 3/FC 3A; Voluntary Placement Agreement, Legal Guardianship Papers, or Court Order which establishes the authority for placement; Independent Living Plan; evidence supporting federal and/or state eligibility; and any other information necessary to determine eligibility.

.136 (Continued)

Authority cited: Sections 10553, 10554, 10605, 11052.6, 11053, 11102, and 11369, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 10605, ~~and~~ 11265.1, and 11403(b), Welfare and Institutions Code; and Nickols v. Saenz Court Order Case Number 310867; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

Amend Section 40-190.1 to read:

40-190 COUNTY RESPONSIBILITY

40-190

.1 (Continued)

.14 (Continued)

.15 Non-Minor Dependent Transfer

A minor has been receiving aid in his/her caretaker relative's AU from a county other than the county with court jurisdiction over the minor. The non-minor dependent's case shall be transferred to the county with court jurisdiction.

.2 (Continued)

Authority cited: Sections 10553, 10554, 10604, 11053, 11102, and 11369, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 10604, 11004, ~~and~~ 11265.1, and 11403(b), Welfare and Institutions Code; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

Amend Section 42-101 to read:

42-101 AGE REQUIREMENT

42-101

.1 A child meets the age requirement for CalWORKs eligibility until his/her 18th birthday. A child 18 years of age may be eligible if the requirements in Section 42-101.2 or .3 are met.

.2 (Continued)

.3 Non-Minor Dependents

.31 A non-minor dependent is eligible for CalWORKs beyond age 18 if he/she is in foster care and meets one or more of the following requirements:

(a) Enrolled in and working towards completing high school or an equivalency program.

(b) Enrolled at least half-time in post-secondary or vocational school, or enrolling for the next available term.

(c) Participating in a program or activity that promotes or removes barriers to employment.

(d) Employed at least 80 hours per month.

(e) Incapable of enrollment or participation in school or employment due to a documented medical (physical, mental, or emotional) condition.

.32 In addition, the non-minor dependent must sign a mutual agreement with the county welfare department documenting the non-minor dependent's agreement to comply with program requirements and eligibility conditions for extended CalWORKs benefits.

(a) A non-minor dependent is exempt from signing a mutual agreement if he/she is unable to give consent due to a documented medical condition (i.e., physical, mental, or emotional).

~~.3.4~~ (Continued)

~~.34.41~~ (Continued)

~~.4.5~~ (Continued)

~~.44.51~~ (Continued)

~~.5.6~~ (Continued)

~~51.61~~ (Continued)

~~6.7~~ (Continued)

Authority cited: Sections 10553, 10554, and 11369, Welfare and Institutions Code.

Reference: Sections 10063(a), ~~and~~ 11253, and 11403(b), Welfare and Institutions Code, Fry v. Saenz 98 Cal.App.4th 256, and Fry v. Saenz, (Sacramento County Superior Court), Case No. 00CS01350, Judgment and Peremptory Writ of Mandate, July 7, 2004.

Amend Section 42-213.2 to read:

42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY 42-213
 WHICH MAY BE RETAINED

.2 (Continued)

.21 (Continued)

.22 (Continued)

.23 (Continued)

.24 All personal property and vehicles of non-minor dependents shall be excluded.

.3 (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11155, 11155.2 (Chapter 622, Statutes of 2007), 11155.5, 11253.3(a), 11257, 11265.1, 11265.2, and 11450.5, Welfare and Institutions Code; Sidwell v. McMahon, United States District Court (E.D. Cal.) May 7, 1990, civil no. S-89-0445; Public Laws 97-458, 98-64, and 103-286; and Federal Action Transmittal 91-23, 45 CFR 233.20(a)(3)(i)(B) ; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

Amend Section 42-302 to read:

42-302 48-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS

42-302

.1 48-Month Time Limit Except as specified in Section 42-302.11, no individual shall be eligible for aid when that individual has received aid as an adult, 18 years of age or older, for a cumulative total of 48 months. The 48-month time limit applies to aid received under CalWORKs. The 48-month time limit also applies to any aid received under another state's program funded by the federal Temporary Assistance to Needy Families (TANF) Program since January 1, 1998. The 48-month time limit shall not apply to children or non-minor dependents.

.11 (Continued)

.2 (Continued)

.21 (Continued)

(d) (Continued)

(e) Non-minor dependent The individual is exempt from welfare-to-work participation due to eligibility as a non-minor dependent.

~~(e)~~(f) (Continued)

~~(f)~~(g) (Continued)

~~(g)~~(h) (Continued)

~~(h)~~(i) (Continued)

~~(i)~~(j) (Continued)

~~(j)~~(k) (Continued)

~~(k)~~(l) (Continued)

Authority cited: Sections 10553, 10554, and 11369, Welfare and Institutions Code; SB 72 (Chapter 8, Statutes of 2011), Section 42.

Reference: Sections 10553, 10554, 11253.3(a), 11266.5, 11320, 11320.3, 11454, 11454(e) and (e)(5), 11454.2, 11454.5, ~~11454.5(b) and (b)(4) and (5)~~, and 11495.1, Welfare and Institutions Code; Section 37 of AB 444 (Chapter 1022, Statutes of 2002); and 42 U.S.C. 608(a)(7)(a), (B) and (D).

Amend Section 42-712.1 to read:

42-712 EXEMPTIONS FROM WELFARE-TO-WORK PARTICIPATION

42-712

.1 Every individual is required to participate in welfare-to-work activities as a condition of eligibility for cash aid under CalWORKs, unless exempt in accordance with Sections 42-712.41 through .49 or excused from participation as specified in Section 42-712.11, ~~or~~ .12 or .13:

.12 (Continued)

.13 A non-minor dependent is exempt if he/she meets one or more of the following requirements:

(a) Enrolled in and working towards completing high school or an equivalency program.

(b) Enrolled at least half-time in post-secondary or vocational school, or enrolling for the next available term.

(c) Participating in a program or activity that promotes or removes barriers to employment.

(d) Employed at least 80 hours per month.

(e) Incapable of enrollment or participation in school or employment due to a documented medical (physical, mental, or emotional) condition.

.2 (Continued)

.6 (Continued)

.64 (Continued)

.65 Being a non-minor dependent as described in 42-712.13.

.7 (Continued)

Authority cited: Sections 10553, 10554, 10604, and 11369, Welfare and Institutions Code; SB 72 (Chapter 8, Statutes of 2011), Section 42.

Reference: Sections 10553, 10554, 10063(b), 11253.3(a), 11253.5, 11320, 11320.3, 11331.5(a), (b), (c), and (d), 11403, 11454, 11454.2, and 11454.5, Welfare and Institutions Code; and 42 U.S.C. 5044(f)(2).

Amend Section 44-133.3 to read:

44-133 TREATMENT OF INCOME -- CALWORKS

44-133

.3 Income of Children, Non-Minor Dependents and Non-Minor Former Dependents in Foster Care, Extended CalWORKs and or Kin-GAP

~~All net income received by or on behalf of children in foster care or Kin-GAP shall be considered income to the child.~~

.31 All net income received by or on behalf of children in foster care or Kin-GAP shall be considered income to the child and shall not be included in the AU's income and grant computation.

.32 Income received by a non-minor dependent shall not be included in the income and grant computation for the non-minor dependent receiving extended CalWORKs benefits.

.321 The non-minor dependent is not precluded from receiving both SSI/SSP and extended CalWORKs. The SSI/SSP aid payment shall not be included in the income and grant computation for the non-minor dependent receiving extended CalWORKs benefits.

.33 Income received by a non-minor dependent or non-minor former dependent shall not be included in the income and grant computation for the caretaker relative's AU, if the relative continues to be aided.

Authority cited: Sections 10553, 10554, 10604, and 11369, Welfare and Institutions Code; SB 72 (Chapter 8, Statutes of 2011), Section 42.

Reference: Sections 10063, 10553, 10554, 10604, 11008.14, 11017, 11253.3(a), 11254, 11320.15, 11450, 11451.5, 11452, 11453, 11454, 11454.2, 11486, 18937, 18940, and 11371, Welfare and Institutions Code; 45 CFR 205.50(a)(1)(i)(A); 45 CFR 233.20(a)(1)(i); 45 CFR 233.20(a)(3)(ii)(C), (a)(3)(vi)(B), (a)(3)(xiv), (a)(3)(xiv)(B), and (xviii); 45 CFR 233.50(A)(c); and 45 CFR 233.90(c)(2)(i); Family Support Administration Action Transmittal 91-15 (FSA-AT-91-15), dated April 23, 1991; and Omnibus Budget Reconciliation Act (OBRA) of 1990; U.S. Department of Health and Human Services Federal Action Transmittal No. FSA-AT-91-4 dated February 25, 1991; Simpson v. Hegstrom, 873 F.2d 1294 (1989); Ortega v. Anderson, Case No. 746632-0 (Alameda Superior Court) July 11, 1995; and Federal Register, Vol. 58, No. 182, pages 49218 - 20, dated September 22, 1993; 8 U.S.C. 1631~~½~~, ~~and~~ 42 U.S.C. 602(a)(39), and 42 U.S.C. 1382(c)(5).

Amend Section 44-316.3 to read:

(QR)44-316	REPORTING CHANGES AFFECTING ELIGIBILITY AND GRANT DETERMINATIONS AND COUNTY ACTIONS	44-316
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.3 (Continued)

(QR) .33 (Continued)

(QR) .331 (Continued)

(QR) (s) (Continued)

(SAR).33 (Continued)

(SAR).331 (Continued)

(SAR)(t) (Continued)

(SAR)(u) A non-minor dependent is transferred into their own AU.

Authority cited: Sections 10553, 10554, and 11369, Welfare and Institutions Code; SB 72 (Chapter 8, Statutes of 2011), Section 42.

Reference: Sections 10063, 11265, 11265.1, 11265.2, 11265.3, 11450.5, 11454 and 11454.2, Welfare and Institutions Code; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

Amend Section 80-301 to read:

80-301 DEFINITIONS

80-301

(n) ~~(Reserved)~~

(1) Non-minor dependent (NMD)

"Non-minor dependent" means a current dependent child or ward of the juvenile court who:

(A)

is at least 18 years of age but is less than 21 years of age,

(B)

is in foster care under the responsibility of the county welfare department or county probation department, and

(C)

is participating in a transitional independent living case plan.

(2) Non-minor former dependent

"Non-minor former dependent" means either of the following:

(A)

A non-minor who reached 18 years of age while subject to an order for foster care placement, and for whom dependency, delinquency, or transition jurisdiction has been terminated, and who is still under the general jurisdiction of the court.

(B)

A non-minor who is over 18 years of age and, while a minor, was a dependent child or ward of the juvenile court when the guardianship was established pursuant to Welfare and Institutions Code section 360, 366.26, or 728(d); and the juvenile court dependency or wardship was dismissed following the establishment of the guardianship.

(o) (Continued)

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10054, 10058, 10063, 10553, 10554, 10604, 10830, 11008.13, 11008.14, 11023.5, 11051, 11054, 11201, 11203, 11250, 11250.4, 11265.2, 11265.3, 11266, 11269, 11320, 11400, 11450, 11486, 16501.1, and 16507, Welfare and Institutions Code; Sections 297, 297.5, 298.5, and 299.2, Family Code; 8 CFR 213a. and 299; 45 CFR 201.3, 206.10, 224.51, 232.12, 233.10, 233.106, 233.20, 233.51, 233.60, 233.90, 237.50, 255, and 266.10; 42 USC 402(a)(6) and 606(a); and SSA-AT-86-01; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

Amend Section 82-820.2 to read:

82-820 INCLUDED PERSONS

82-820

.2 (Continued)

.21 (Continued)

.22 Non-minor dependent

One non-minor dependent. Each non-minor dependent shall constitute his/her own assistance unit (AU) of one.

~~.22.23~~ (Continued)

~~.23.24~~ (Continued)

~~.24.25~~ (Continued)

Authority cited: Sections 10553, 10554, 10604, and 11369, Welfare and Institutions Code.

Reference: 42 USCA 606; 45 CFR 206.10(a)(1); 45 CFR 233.10(a)(1), (a)(1)(iv) and (vii); 45 CFR 233.90(c)(1)(v)(A); 45 CFR 237.50(b)(5); 45 CFR 250.34; SSA-AT-86-01; Section 242, California Civil Code; Edwards v. Healy, Civ. S. 91-1473 DFL (1992); Sections 10553, 10554, 10604, 11000, 11253.3(b), 11254, 11265.3, 11400, 11450, and 11450.16, Welfare and Institutions Code; and ACF-AT-94-5; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

Amend Section 82-832.1 to read:

82-832 EXCLUDED PERSONS

82-832

.1 (Continued)

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|---------------------------------------|---|
| (a) Child of AFDC-FC or Kin-GAP Child | Is a child living with his/her minor <u>or non-minor dependent</u> parent who is receiving AFDC-FC or Kin-GAP. |
| (b) (Continued) | |
| (j) (Continued) | |
| (k) <u>Non-minor dependent</u> | <u>Is a non-minor dependent. Non-minor dependents shall constitute an AU of one and as such shall be excluded from the AU of a needy or non-needy caretaker relative for CalWORKs purposes.</u> |

Authority cited: Sections 10553, 10554, 10604, 11270, and 11369, Welfare and Institutions Code.

Reference: 8 CFR 213a. and 299; 45 CFR 205.42(d)(2)(v)(A) and (B), as printed in Federal Register, Vol. 57, No. 198, Tuesday, October 13, 1992, page 46808, 45 CFR 205.52, 45 CFR 206.10(a)(5)(i), 45 CFR 232.12(d), 45 CFR 233.10(a)(1)(i), (a)(1)(i)(B), and (a)(3), 45 CFR 233.20(a)(1)(i), (a)(3)(ii)(C) and (F), and (a)(3)(ix), 45 CFR 233.50, 45 CFR 233.51, 45 CFR 233.90(c), (c)(1), and (c)(2)(iv), 45 CFR 233.100(a)(5)(ii), 45 CFR 233.106, 45 CFR 240.22, and 45 CFR 250.34(a) and (c), and (c)(2); and Sections 11008.13, 11104, 11157, 11201(b), 11203, 11251.3, 11253.3, 11263.5, 11265.1, 11265.2, 11265.3, 11268, 11270, 11315, 11320.6(e), 11327.5(c), 11406.5, 11450, 11450.5, 11454, 11454.5, 11477, 11477.02, 11486, and 11486.5, Welfare and Institutions Code; and the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, Section 115; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].